

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

101195-65

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

TBA

10/019452

INTERNATIONAL APPLICATION NO.

PCT/EP00/02062

INTERNATIONAL FILING DATE

9 March 2000 (09.03.00)

PRIORITY DATE CLAIMED

9 March 1999 (09.03.99)

TITLE OF INVENTION

Therapy and Use of Compounds in Therapy

APPLICANT(S) FOR DO/EO/US

Stefan Anker; Andres Coates; Hans-Dieter Volk; Ralf Reiner Schumann; Mathias Plauth

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau)
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)

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24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1040.00
- ☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$890.00

Surcharge of \$130.00 for furnishing the oath or declaration later than \_\_\_\_\_ months from the earliest claimed priority date (37 CFR 1.492 (e)). ☐ 20 ☒ 30

\$130.00

| CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE      |                          |        |
|--|--------------|--------------|-----------|--------------------------|--------|
| Total claims                                     | 23 - 20 =    | 3            | x \$18.00 | \$54.00                  |        |
| Independent claims                               | 1 - 3 =      | 0            | x \$84.00 | \$0.00                   |        |
| Multiple Dependent Claims (check if applicable). |              |              |           | <input type="checkbox"/> | \$0.00 |

**TOTAL OF ABOVE CALCULATIONS =**

\$1,074.00

- ☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$537.00

**SUBTOTAL =**

\$537.00

Processing fee of \$130.00 for furnishing the English translation later than \_\_\_\_\_ months from the earliest claimed priority date (37 CFR 1.492 (f)). ☐ 20 ☐ 30 +

\$0.00

**TOTAL NATIONAL FEE =**

\$537.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

\$0.00

**TOTAL FEES ENCLOSED =**

\$537.00

|                        |    |
|------------------------|----|
| Amount to be: refunded | \$ |
| charged                | \$ |

- a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 14-1263 in the amount of \$537.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1263. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

correspondence address associated with Customer No. 27387

SIGNATURE

Bruce S. Londa

NAME

33,531

REGISTRATION NUMBER

October 18, 2001

DATE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): **Stefan Anker et al.**

Docket No.

**101195-65**

|                          |   |                        |                              |
|--------------------------|---|------------------------|------------------------------|
| Serial No.<br><b>TBA</b> | Filing Date<br><b>Concurrently Herewith</b> | Examiner<br><b>TBA</b> | Group Art Unit<br><b>TBA</b> |
|--------------------------|---|------------------------|------------------------------|

Invention: **Therapy and Use of Compounds in Therapy**

I hereby certify that the following correspondence:

**U.S. National stage appln of PCT/EP00/02062 and Petition to revive; preliminary amendment**

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

**October 18, 2001**

*(Date)*

**Kathleen D. Monical**

*(Typed or Printed Name of Person Mailing Correspondence)*



*(Signature of Person Mailing Correspondence)*

**EL 867734610 US**

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